

Introduced by Senator Mitchell

(~~Coauthor: Senator~~ Coauthors: Senators Beall and Hernandez)

February 12, 2014

An act to amend Sections 2585, 2586, 2586.4, and 2586.8 of the Business and Professions Code, relating to dietitians.

LEGISLATIVE COUNSEL'S DIGEST

SB 993, as amended, Mitchell. Healing arts: dietitians.

Existing law requires dietetic technicians, *registered*, to possess prescribed qualifications, including academic requirements, and ~~provides that the use by any person makes it a misdemeanor for any person~~ not meeting those requirements *to use*, in connection with his or her name or place of business, ~~of the term "dietetic technician" is a crime. technician, registered" or the letters "DTR."~~

Existing law ~~provides that authorizes a registered dietitian may, upon referral by a health care provider, to provide medical nutrition therapy, upon referral by a health care provider,~~ which includes, among other things, the development of nutritional and dietary treatments for individuals or groups of patients in specified settings. Existing law allows a dietetic technician, *registered* to assist the registered dietitian in these circumstances in the implementation or monitoring of medical nutrition therapy. Existing law ~~provides that practicing makes it a misdemeanor for a registered dietitian, or other specified nutritional professionals, to practice in a manner inconsistent with these provisions is a misdemeanor. provisions.~~

This bill would revise the qualifications required for a person representing himself or herself as a dietetic technician, *registered* and

would require the dietetic technician, *registered* to have completed his or her course of study before assisting the registered dietitian. ~~This~~ *The bill would also make it a misdemeanor for any person not meeting those qualifications to use, in connection with his or her name or place of business, the term “registered dietitian nutritionist” or the letters “RDN.”*

This bill would also allow a registered dietitian, under the above-described circumstances, or other nutritional professional who meets specified qualifications, to develop and recommend nutritional and dietary treatments, as provided, and would allow the registered dietitian or other nutritional professional to be authorized to provide medical nutrition therapy perform nutritional assessments and to initiate nutritional interventions pursuant to a licensed health care facility’s approved nutrition screening policy and procedure, as provided. The bill would specify that these provisions do not authorize a registered dietitian, or other nutritional professional, to administer central vein or peripheral vein nutrition. This bill would also make technical, nonsubstantive changes.

By both expanding and changing the definition of existing crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2585 of the Business and Professions
- 2 Code is amended to read:
- 3 2585. (a) Any person representing himself or herself as a
- 4 registered dietitian shall meet one of the following qualifications:
- 5 (1) Been granted, prior to January 1, 1981, the right to use the
- 6 term “registered dietitian” by a public or private agency or
- 7 institution recognized by the State Department of Public Health
- 8 as qualified to grant the title, provided that person continues to
- 9 meet all requirements and qualifications periodically prescribed
- 10 by the agency or institution for the maintenance of that title.

1 (2) Possess all of the following qualifications:

2 (A) Be 18 years of age or older.

3 (B) Satisfactory completion of appropriate academic
4 requirements for the field of dietetics and related disciplines and
5 receipt of a baccalaureate or higher degree from a college or
6 university accredited by the Western Association of Schools and
7 Colleges or other regional accreditation agency.

8 (C) Satisfactory completion of a program of supervised practice
9 for a minimum of 900 hours that is designed to prepare entry level
10 practitioners through instruction and assignments in a clinical
11 setting. Supervisors of the program shall meet minimum
12 qualifications established by public or private agencies or
13 institutions recognized by the State Department of Public Health
14 to establish those qualifications.

15 (D) Satisfactory completion of an examination administered by
16 a public or private agency or institution recognized by the State
17 Department of Public Health as qualified to administer the
18 examinations.

19 (E) Satisfactory completion of continuing education
20 requirements established by a public or private agency or institution
21 recognized by the State Department of Public Health to establish
22 the requirements.

23 (b) Any person representing himself or herself as a dietetic
24 technician, registered shall possess all of the following
25 qualifications:

26 (1) Be 18 years of age or older.

27 (2) Satisfactory completion of either of the following:

28 (A) Appropriate academic requirements for dietetic technicians,
29 *registered*, receipt of an associate's degree or higher from a college
30 or university accredited by the Western Association of Schools
31 and Colleges or other regional accreditation agency, and at least
32 450 hours of supervised practice experience. Supervisors of practice
33 experiences shall meet the minimum qualifications established by
34 public or private agencies or institutions recognized by the State
35 Department of Public Health to establish the qualifications.

36 (B) Appropriate academic requirements for the field of dietetics
37 and related disciplines and receipt of a baccalaureate or higher
38 degree from a college or university accredited by the Western
39 Association of Schools and Colleges or other regional accreditation
40 agency.

1 (3) Satisfactory completion of an examination administered by
2 a public or private agency or institution recognized by the State
3 Department of Public Health to administer the examination.

4 (4) Satisfactory completion of continuing education requirements
5 established by a public or private agency or institution recognized
6 by the State Department of Public Health to establish the
7 requirements.

8 (c) It is a misdemeanor for any person not meeting the criteria
9 of subdivision (a) or (b) to use, in connection with his or her name
10 or place of business, the words “dietetic technician, registered,”
11 “dietitian,” “dietician,” “registered dietitian,” “registered dietician,”
12 “*registered dietitian nutritionist*,” or the letters “RD,” “*RDN*,”
13 “DTR,” or any other words, letters, abbreviations, or insignia
14 indicating or implying that the person is a dietitian, ~~or dietetic~~
15 ~~technician, registered or registered,~~ registered dietitian, *or*
16 *registered dietitian nutritionist* or to represent, in any way, orally,
17 in writing, in print or by sign, directly or by implication, that he
18 or she is a dietitian ~~or~~, a dietetic technician, registered ~~or~~, a
19 registered dietitian, *or a registered dietitian nutritionist*.

20 (d) Any person employed by a licensed health care facility as
21 a registered dietitian on the effective date of this chapter may
22 continue to represent himself or herself as a registered dietitian
23 while employed by a licensed health care facility, if he or she has
24 satisfied the requirements of either paragraph (1) or paragraph (2)
25 of subdivision (a), except that he or she shall not be required to
26 satisfy the examination requirement of subparagraph (B) of
27 paragraph (2) of subdivision (a).

28 (e) Notwithstanding any other ~~provision of~~ law or regulation
29 that limits reimbursement to state licensed health care providers
30 and upon referral by a physician and surgeon, the following persons
31 may be reimbursed for the nutritional advice or advice concerning
32 proper nutrition as set forth in Section 2068, or for the nutritional
33 assessments, counseling, and treatments as set forth in Section
34 2586:

35 (1) Registered dietitians.

36 (2) Other nutritional professionals with a master’s or higher
37 degree in a field covering clinical nutrition sciences, from a college
38 or university accredited by a regional accreditation agency, who
39 are deemed qualified to provide these services by the referring
40 physician and surgeon.

(f) Nothing in this section shall be construed to mandate direct reimbursement of registered dietitians, or other nutrition professionals described in subdivision (e), as a separate provider type under the Medi-Cal program, nor to mandate reimbursement where expressly prohibited by federal law or regulation.

SEC. 2. Section 2586 of the Business and Professions Code is amended to read:

2586. (a) (1) Notwithstanding any other ~~provision of law~~, a registered dietitian, or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section 2585 may, upon referral by a health care provider authorized to prescribe dietary treatments, provide nutritional and dietary counseling, conduct nutritional and dietary assessments, and develop and recommend nutritional and dietary treatments, including therapeutic diets, for individuals or groups of patients in licensed institutional facilities or in private office settings. The referral for medical nutrition therapy shall be accompanied by a written prescription signed by the health care provider detailing the patient's diagnosis and including either a statement of the desired objective of dietary treatment or a diet order. ~~The registered dietitian may be also authorized to provide medical nutrition therapy pursuant to a licensed health care facility's approved policy and procedure to identify patients that warrant medical nutrition therapy.~~ *dietitian, or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section 2585, may perform nutritional assessments and initiate nutritional interventions within the parameters of the prescribed diet order pursuant to a licensed health care facility's approved nutrition screening policy and procedure.* The registered dietitian, *or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section 2585,* shall collaborate with a multidisciplinary team, which shall include the treating physician and the registered nurse, in developing the patient's nutrition care plan. ~~The Unless otherwise stated in the prescribed diet order by a patient's provider, the registered dietitian, or other nutritional professional meeting the qualifications set forth in subdivision (e) of Section 2585, may individualize the patient's nutritional or dietary treatment when necessary, by modifying the distribution type, type or quantity of food, food and nutrients within the parameters of the prescribed diet order. Any modification, and the rationale for~~

1 *the modification, shall be documented in the patient's record for*
2 *review by the prescribing provider. Nothing in this subdivision*
3 *shall be construed to authorize a registered dietitian, or other*
4 *nutritional professional meeting the qualifications set forth in*
5 *subdivision (e) of Section 2585, to order or administer a central*
6 *vein or peripheral vein nutrition.*

7 (2) The services described in this subdivision may be termed
8 “medical nutrition therapy.”

9 (b) A registered dietitian, or other nutritional professional
10 meeting the qualifications set forth in subdivision (e) of Section
11 2585, may accept or transmit verbal orders or electronically
12 transmitted orders for medical nutrition therapy from the referring
13 physician *or the physician* responsible for the care of the patient
14 *in a licensed health care facility.*

15 (c) A registered dietitian, or other nutritional professional
16 meeting the qualifications set forth in subdivision (e) of Section
17 2585, may order medical laboratory tests related to medical
18 nutrition therapy services when approved by the referring physician
19 *or the physician responsible for the care of the patient* and when,
20 in the absence of the referring physician *or physician responsible*
21 *for the care of the patient* at a patient visit, in a clinic where there
22 is a registered nurse on duty, a registered nurse is notified that a
23 medical laboratory test is being ordered and is afforded an
24 opportunity to assess the patient.

25 (d) (1) ~~Notwithstanding any other provision of law, a dietetic~~
26 ~~technician, registered meeting the qualifications set forth in Section~~
27 ~~2585 may, under the direct supervision of a registered dietitian,~~
28 ~~assist in the implementation or monitoring of services specified~~
29 ~~in subdivision (a), but may shall not develop nutritional or dietary~~
30 ~~therapy or treatments or accept or transmit verbal orders.~~

31 (2) (A) For purposes of this subdivision, “direct supervision”
32 means the supervising registered dietitian shall be physically
33 available to the dietetic technician, registered for consultation
34 whenever consultation is required. However, in the case of a small
35 or rural hospital, as defined in Section 124840 of the Health and
36 Safety Code, the registered dietitian may be available for
37 consultation by telephone or other electronic means, provided that
38 the registered dietitian is physically on the facility site a sufficient
39 amount of time to provide adequate supervision over and review
40 of the work of the dietetic technician, registered.

(B) For purposes of this subdivision, “physically available” means physical onsite presence during regular business hours, and includes telephonic or electronic availability at all times and the ability to respond to the facility within a reasonable period of time when required. The registered dietitian shall review any activities performed by the dietetic technician, registered during any period when the registered dietitian was not physically onsite.

(3) For purposes of this subdivision, a registered dietitian shall not supervise more than two dietetic technicians, registered at one time.

(e) It is a misdemeanor for a person specified in subdivision (e) of Section 2585 to practice in a manner inconsistent with the requirements set forth in this section.

(f) Nothing in this section shall preclude a person specified in subdivision (b) or (e) of Section 2585 from providing information as permitted by Section 2068.

(g) For purposes of this section, “health care provider” means any person licensed or certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act or the Chiropractic Initiative Act.

(h) The requirement of a written prescription shall be deemed to be satisfied by an entry in the patient records of a patient who is undergoing treatment at a licensed health care facility if the contents of the patient records reflect the information required by this section.

(i) Nothing in this section or Section 2585 shall be interpreted to establish educational criteria or practice restrictions or limitations for other health care providers licensed under Division 2 (commencing with Section 500) or the Osteopathic Initiative Act or the Chiropractic Initiative Act.

SEC. 3. Section 2586.4 of the Business and Professions Code is amended to read:

2586.4. A person may engage in the activities set forth in subdivision (d) of Section 2586 if the person meets both of the following requirements:

(a) The person is engaged in the activities as part of a supervised practice program for a dietetic technician, *registered* pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 2585.

1 (b) The person-is has completed a course of study to fulfill the
2 educational requirements for a dietetic technician, *registered* in
3 subparagraph (A) or (B) of paragraph (2) of subdivision (b) of
4 Section 2585.

5 SEC. 4. Section 2586.8 of the Business and Professions Code
6 is amended to read:

7 2586.8. A person may engage in the activities set forth in
8 subdivision (d) of Section 2586 for six months from the date he
9 or she completed the academic requirements for dietetic technicians
10 specified in subparagraph (A) or (B) of paragraph (2) of subdivision
11 (b) of Section 2585, or until the person receives notice that he or
12 she has failed the examination specified in subdivision (d),
13 whichever occurs first, if all of the following conditions apply:

14 (a) The person performs under the direct and immediate
15 supervision of a registered dietitian.

16 (b) The person has written verification, including the program
17 director's original signature, that the person has completed the
18 educational program and possesses an associate's degree or higher.

19 (c) The person has applied to take the dietetic technician,
20 *registered* examination specified in paragraph (4) of subdivision
21 (b) of Section 2585 and is waiting for an examination date.

22 SEC. 5. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.

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33 CORRECTIONS:

34 Text—Pages 4.
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